

REMARKS

Claims 1, 5-12 and 15-29 are currently active.

Claims 12 and 18 have been amended. Antecedent support for the amendments is found in Claim 6. The limitation in Claim 6 shows that the modes have to do with speed at which fragments are switched and that each mode has a speed.

The Examiner has objected to the claims. The claims have been amended to obviate this objection.

The Examiner has rejected Claims 1, 5-11, 15-17 and 22-29 under 35 U.S.C. 112, second paragraph. As the Examiner requested, a Declaration is submitted herewith by telecommunications engineer Joseph Hook. The Declaration states that "G" refers to gigabits/second. It is respectfully submitted that this rejection is obviated.

The Examiner has rejected Claims 12, 18 and 19 as being unpatentable over Chao in view of McKeown. In view of the amendments to the claims, applicants respectfully traverse this rejection.

In regard to the limitation of "changing a mode of fabrics, port cards and the network no more than one step up or down in the mode sequence at the time", the Examiner refers to column 12, lines 45-58, where lines 215 are connected to fabrics 210 and are changed between different modes, such as packets test normal operations, since these modes are either in operation or not, they are always changed one step at a time, from on to off or vice versa.

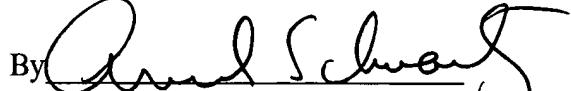
It is respectfully submitted that with the amendments to the claims, the amendment clarifies and distinguishes this teaching in Chao that the Examiner relies upon. When a mode as the Examiner suggests is not in operation, there is no speed. Furthermore, the teaching of packets test normal operations do not necessarily have to do with speed at all. Accordingly, amended Claims 12 and 18 are patentable over the applied art of record. Claim 19 is dependent to Claim 18 and is patentable for the reasons Claim 18 is patentable.

The Examiner has rejected Claims 20 and 21 as being unpatentable over Chao and McKeown and further in view of Heddes. Applicants respectfully traverse this rejection. In relevant part, Heddes does not teach or suggest the limitations of Claim 18. Heddes does not add anything in relevant part to the teachings of Chao and McKeown to arrive at Claim 18. Claims 20 and 21 are dependent to parent Claim 18 and are patentable for the reasons Claim 18 is patentable over the applied art of record.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1, 5-12 and 15-29, now in this application be allowed.

Respectfully submitted,

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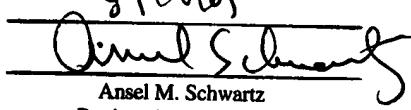
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